

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO HIGHWAYS AND  
TRANSPORTATION AUTHORITY

Debtor.

PROMESA

Title III

No. 17 BK 3567-LTS

**This Stipulation relates only to  
the Commonwealth, HTA and  
ERS**

**UNIQUE BUILDERS, INC. RESPONSE TO TWO HUNDRED NINETY-EIGHT  
OMNIBUS OBJECTION (NON-SUBSTANTIVE) OF THE COMMONWEALTH OF  
PUERTO RICO, THE PUERTO RICO HIGHWAYS AND TRANSPORTATION  
AUTHORITY, AND THE RETIREMENT SYSTEM OF THE GOVERNMENT OF THE  
COMMONWEALTH OF PUERTO RICO TO SUBSEQUENTLY AMENDED CLAIMS**

To the Honorable United States District Judge Laura Taylor Swain:

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

COMES NOW respondent Unique Builders, Inc. represented by the undersigned attorney and respectfully sets forth and prays:

### **Procedural Posture**

On March 12, 2021, Movants filed the Two Hundred Ninety-Eight Omnibus Objection (non-substantive) of the Commonwealth of Puerto Rico, the Puerto Rico Highways and Transportation Authority, and the Retirement System of the Government of the Commonwealth of Puerto Rico to subsequently Amended Claims (docket # 16018, Case: 17-3283-LTS).

Respondents were granted until April 14, 2021 at 4:00 p.m. to file a response if needed (docket # 16018-4, Case: 17-3283 LTS)

### **The Facts**

1. On May 25, 2018, Unique Builders, Inc. (“Unique”) filed claim number 23832 in the Puerto Rico Highways and Transportation Authority, Case No. 17 BK 03567-LTS in the aggregate amount of \$1,924,135.61.
2. On May 29, 2018, Unique filed claim number 29911 in the Puerto Rico Highways and Transportation Authority, Case No. 17 BK 03567-LTS in the aggregate amount of \$2,271,539.78.
3. Claim number 29911 amended and superseded claim number 23832.
4. Claim number 29911 is deemed allowed as filed.

### **The Bankruptcy Rules and the Jurisprudence**

5. Rule 3001 (f) of the Federal Rules of Bankruptcy Procedure, clearly states as follows:

“(f) Evidentiary Effect. A proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim.”

6. In other words, a claim filed in accordance with Rule 3001, *supra*, has a presumption of validity. *Properly filed claim is prima facie evidence under Bankruptcy Rule 3001 of validity and amount of claim; presumption of validity remains until objector introduces evidence sufficient to rebut prima facie case. In re Gracey (1987, BC ED Pa) 79 BR 597. Under Bankruptcy Rule 3001(f), filing by creditor of proper claim constitutes prima facie evidence of validity and amount of claim. In re Brickell Inv. Corp. (1988, BC SD Fla) 85 BR 164.*

WHEREFORE, Unique consents to the entry of an order consistent with the allegations that claim number 29911 amended and superseded claim number 23832 and that claims number 29911 is deemed allowed as filed and that claim number 29911 as filed constitutes *prima facie* evidence under Bankruptcy Rule 3001 of the validity and the amount of claim; and that the presumption of validity remains until objector introduces evidence sufficient to rebut *prima facie* case.

In San Juan, Puerto Rico this 12<sup>th</sup> day of April 2021.

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By: /s/ *José F. Cardona-Jiménez*  
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#### **CERTIFICATE OF ELECTRONIC FILING AND SERVICE**

I hereby certify that on even date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: As per *Exhibit 1*, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: None

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**Service List - Exhibit 1**

**(i)** Chambers of the Honorable Laura Taylor Swain:  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
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**(ii)** Office of the United States Trustee for Region 21  
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